

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: WALKER, et al

Customer No.: 22927

For: METHOD AND APPARATUS FOR  
FACILITATING ELECTRONIC  
COMMERCE THROUGH PROVIDING  
CROSS-BENEFITS DURING A  
TRANSACTION

Examiner: Not Yet Assigned

RECEIVED

FEB 09 2000

Group 2700

Serial No.: 09/219,267

Group Art Unit: 2761

Filing Date: December 23, 1998

Docket No.: 98-109\*

\*(PLEASE NOTE NEW DOCKET NUMBER)

Assistant Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL LETTER

Sir:

Applicants hereby submit the following documents for the above-identified patent application:

1. Third Supplemental Information Disclosure Statement;
2. Form PTO-1449;
3. Copy of Twelve (12) references cited therein; and
4. Return Receipt Postcard.

The Commissioner is hereby authorized to charge \$ 0.00 to Deposit Account No. 50-0271 for the fees required for the enclosed. Order No. 98-109. The Commissioner is further authorized to charge any further required fees, or to credit any overpayment, to Deposit Account No. 50-0271. Order No. 98-109. A duplicate copy of this authorization is attached for such purpose.

Respectfully submitted,

*Patrick Buckley*

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February 2, 2000  
Date

Certificate of Mailing

I hereby certify that this correspondence is being sent via priority mail in an envelope with sufficient postage addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on February 2, 2000.


Tara D. Gee  
Name of Person Making Deposit

*Tara D. Gee*  
Signature

February 2, 2000  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	WALKER, et al	)	Customer No.:	22927
For:	METHOD AND APPARATUS FOR	)	Examiner:	Not Yet Assigned
	FACILITATING ELECTRONIC	)		<b>RECEIVED</b>
	COMMERCE THROUGH PROVIDING	)		<b>FEB 09 2000</b>
	CROSS-BENEFITS DURING A	)		<b>Group 2700</b>
	TRANSACTION	)		
Serial No.:	09/219,267	)	Group Art Unit:	2761
Filing Date:	December 23, 1998	)	Docket No.:	98-109*



\*(PLEASE NOTE NEW DOCKET NUMBER)

Assistant Commissioner for Patents  
Washington, D.C. 20231

**THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed below and on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider these items and to independently ascertain their teaching.

- A. U.S. Patent No. 4,876,592 entitled "SYSTEM FOR MERCHANDISING AND THE EVALUATION OF RESPONSES TO BROADCAST TRANSMISSIONS" issued to Henry Von Kohorn on October 24, 1989.
- B. U.S. Patent No. 5,371,796 entitled "DATA COMMUNICATION SYSTEM" issued to Simon A.B. Avarne on December 6, 1994.
- C. U.S. Patent No. 5,434,394 entitled "AUTOMATED ORDER AND DELIVERY SYSTEM" issued to Roach, et al. on July 18, 1995.
- D. U.S. Patent No. 5,570,417 entitled "SYSTEM FOR AUTOMATICALLY PROVIDING CUSTOMER ACCESS TO ALTERNATIVE TELEPHONY SERVICE PROVIDERS" issued to Charles C. Byers on October 29, 1996.
- E. U.S. Patent No. 5,893,075 entitled "INTERACTIVE SYSTEM AND METHOD FOR SURVEYING AND TARGETING CUSTOMERS" issued to Plainfield, et al. on April 6, 1999.
- F. U.S. Patent No. 5,918,211 entitled "METHOD AND APPARATUS FOR PROMOTING PRODUCTS AND INFLUENCING CONSUMER PURCHASING DECISIONS AT THE POINT-OF-PURCHASE" issued to Martin A. Sloane on June 29, 1999.
- G. PCT International Search Report for International Application No. PCT/US99/13409 mailed 21 October 1999.
- H. "CARD BRIEFS: STORED-VALUE CARD DESIGNED FOR CASINOS, October 31, 1995, Copyright 1995 American Banker, Inc., ([http://web.lexis-nexis.com/lh.universe/s...tz&\\_md5=b625be0ceccfc8378819201ad83c41](http://web.lexis-nexis.com/lh.universe/s...tz&_md5=b625be0ceccfc8378819201ad83c41)), download date January 24, 1999.
- I. "#1 ONLINE DEPARTMENT STORE JOINS CLICKREWARDS IN TIME FOR THE HOLIDAYS; AZAZZ.COM TO SUPPLY NAME-BRAND MERCHANDISE FOR NETCENTIVES' CLICKREWARDS CATALOG AND CLICKREWARDS; MEMBERS CAN NOW EARN GENEROUS CLICKMILES PROMOTIONS WITHIN THE AZAZZ.COM INTERNET DEPARTMENT STORE", November 27, 1998, Copyright 1998 PR Newswire Association, Inc.,

([http://web.lexis.nexis.com/ln.universe/s...a3&\\_md5=9feeb8c53a31851ab13321cd728fc293](http://web.lexis.nexis.com/ln.universe/s...a3&_md5=9feeb8c53a31851ab13321cd728fc293)),  
download date September 14, 1999.

- J. Miriam Kreinin Souccar, "EPIDEMIC OF RATE SHOPPING SPURS A SEARCH FOR REMEDIES", January 7, 1999, Copyright 1999 American Banker, Inc.,

([http://web.lexis.nexis.com/ln.universe/s...a3&\\_md5=2d3eab8386c438f589062c3d5a7847aa](http://web.lexis.nexis.com/ln.universe/s...a3&_md5=2d3eab8386c438f589062c3d5a7847aa)),  
download date September 14, 1999.

- K. Patricia Sabatini, "CARD SHARKS LURKING IN THE SEA OF OFFERS YOU GET FROM CREDIT CARD COMPANIES ARE SOME NASTY SURPRISES. UNLESS YOU READ THE FINE PRINT, YOU'LL BE IN THE COMPANIES' JAWS BEFORE YOU KNOW IT", February 4, 1996, Pittsburgh Post-Gazette,

(<http://www.dialogweb.com/c...0sharks&parsedSearch=%28CARD%20SHARKS%29>),  
download date January 24, 2000.

- L. "WELCOME TO THE MEMBERSHIP REWARDS® PROGRAM", American Express/Reward yourself with Membership Rewards®,  
(<http://home3.americanexpress.com/rewards/explore/splash.asp>), download date January 24, 2000.

1. ☐ Any copy of the items listed above and on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior ☐ Continuation, ☐ Divisional or ☐ Continuation in part application filed under 37 C.F.R. §§ 1.53 or 1.60, U.S. Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
2. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): \_\_\_\_\_.
3. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): \_\_\_\_\_.
4. ☐ In addition to the citations listed above, applicants respectfully direct the Examiner's attention to the following U.S. patent applications, which are commonly assigned to the assignee of the instant application, and which may be deemed pertinent to the instant application:

<u>Serial No.</u>	<u>Inventors</u>	<u>Filing Date</u>	<u>Group Art Unit</u>	<u>Examiner's Init.</u>
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The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application.

5. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
  - ☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
  - ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
  - ☒ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.
6. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action),

and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below.

7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 11 below.
8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below; and
  - b. this document is to be considered as a petition requesting consideration of the information disclosure statement.
  - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 11 below.
9. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
- ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
  - ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
  - ☐ The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 11 below.
10. ☐ I hereby certify:
- ☐ that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.

- ☐ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

11. ☐ Please accept payment of the fees due as indicated below:

- ☐ A check in the amount of \$240.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).
- ☐ The Commissioner is hereby authorized to charge \$240.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p). A duplicate copy of this sheet is attached for such purpose
- ☐ A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).
- ☐ The Commissioner is authorized to charge \$130.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1). A duplicate copy of this sheet is attached.

12. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

Respectfully submitted,



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February 2, 2000  
Date